

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #02003 **DATE:** May 10, 2002
W. Madison Avenue from NW 49th Street to NW 53rd Street

PROPOSAL: To vacate W. Madison Avenue from NW 49th Street to NW 53rd Street.

LAND AREA: 1.15 acres, more or less

CONCLUSION: With conditions, this vacation conforms to the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: W. Madison Avenue from a point 7.17 feet west of the west line of NW 49th Street to NW 53rd Street.

LOCATION: NW 53rd Street east of the existing W. Madison Avenue

<u>APPLICANT:</u>	Duane Hartman Hartland Homes, Inc. & Hartland Homes Investments P.O. Box 22787 Lincoln, NE 68524 (402)477-6668	Todd and Melanie Miller 2720 NW 53 rd Street Lincoln, NE 68524 (402)470-0227
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Section 42 Partners, LTD I
P.O. Box 6035
Lincoln, NE 68506

OWNER: same

CONTACT: Duane Hartman

EXISTING ZONING: R-3, Residential and B-1, Local Business District

EXISTING LAND USE: Not currently being used as right-of-way, vacant.

SURROUNDING LAND USE AND ZONING:

North:	Commercial, residential and vacant	R-3, Residential, B-1, Business
South:	Residential	R-3
East:	Residential	R-3
West:	Residential	R-3

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan indicates this area as urban residential (page 39) and commercial.

HISTORY: This area was zoned A-A, Rural and Public Use District, A-2, Single Family Dwelling District and G, Local Business District until it was updated in 1979 updated to R-3, Residential and B-1, Local Business during the zoning update.

City Council Denied Change of Zone #1582 from A-A, Rural and Public Use District to G, Local Business District on Lot 3, Block 5, Airport Heights Addition to the north of Madison Avenue in November 1977.

City Council approved Change of Zone #1429 from A-A, Rural and Public Use to G, Local Business on Lots 1,2, 35 and 36, Block 5, Airport Heights Addition to the north of Madison Avenue in June 1975.

UTILITIES: The Public Works & Utilities Department indicated that the Lincoln Wastewater Department has an existing sanitary sewer in the south half of W. Madison Avenue right-of-way.

TRAFFIC ANALYSIS: NW 53rd, NW 49th Streets, W. Madison Avenue are considered local streets in the Functional Street and Road Classification in the Comprehensive Plan (page 91).

ANALYSIS:

1. This is a request to vacate W. Madison Avenue so the developer can preliminary plat a new layout for the area.
2. The Public Works & Utilities Department indicated that the south 30 feet of W. Madison Avenue be retained as a permanent easement until the developer preliminary plats the area to relocate the sewer.
3. The street vacation will leave lots without frontage or access. The applicant must submit a plat that indicates lots with frontage and access in compliance with Title 26 Land Subdivision Ordinance prior to scheduling on City Council. Then the vacation can be approved by the City Council, ownership transferred to the subdividers and the final plat filed with the Register of Deeds.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.

Prepared by:

Becky Horner
Planner



Street & Alley Vacation #02003
W. Madison Ave., from NW 49th to NW 53rd



Photograph Date: 1999



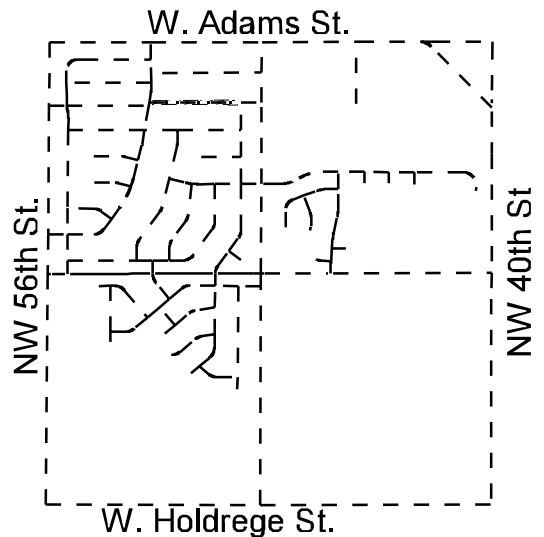
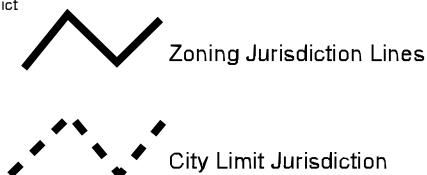
Street & Alley Vacation #02003

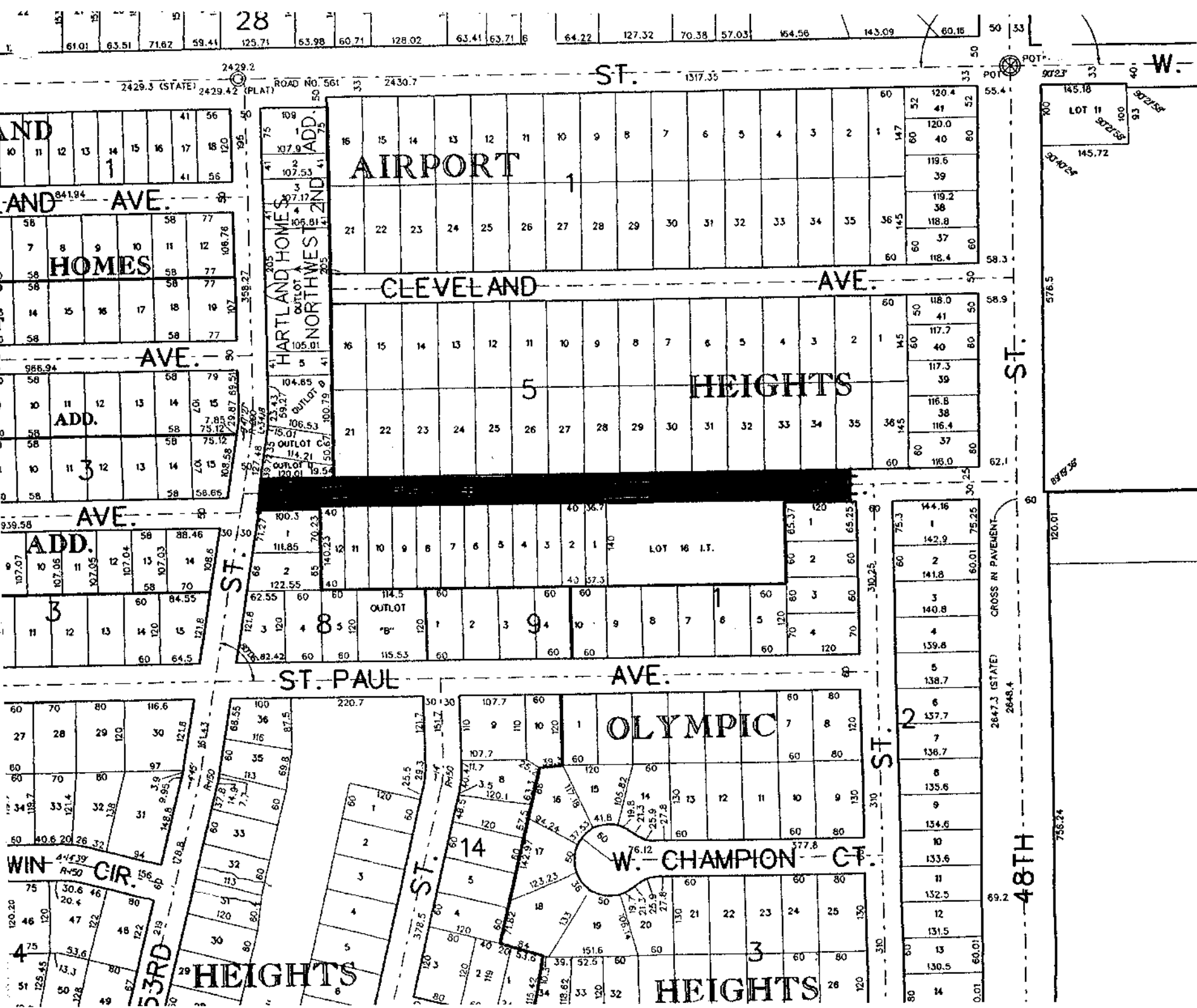
W. Madison Ave., from NW 49th to NW 53rd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 18 T10N R6E





Lincoln



Nebraska's Capital City

May 1, 2002

Lincoln City/Lancaster County
Planning Commission
Lincoln, Nebraska 68508

RE: Vacating West Madison Avenue from a Point 7.17 Feet West of the West Line of Northwest 49th Street to Northwest 53rd Street

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received sufficient and proper petitions from Duane Hartman, President of Hartland Homes, Inc., owners of Outlot 'D' Hartland Homes Northwest 2nd Addition, Lots 21 through 34, Block 5, Lots 1 through 12, Block 4, Airport Heights Addition, and Lot 16 I. T., all located in the north ½ of Section 18, T10N, R6E. Todd and Melanie Miller, owners of Lot 1, Block 8 Olympic Heights 1st Addition Section 42 Partners, LTD I, owners of the west 112.83 feet of Lot 1, Block 1 Olympic Heights Addition, and Duane Hartman, President of Duane Hartman Investments, owners of the west 21.13 feet of Lot 35, Block 5 Airport Heights Addition, to vacate the above described public right-of-way. Petitioners are making this request to vacate in order to create a new preliminary plat and community unit plat.

The City of Lincoln Wastewater Department has an existing sanitary sewer in the south half of West Madison Avenue right-of-way. Public Works is asking that the south 30 feet of Madison Avenue right-of-way be retained as a permanent easement or the developer of the preliminary plat relocate the sewer.

The Department of Public Works recommends approval of this vacation request with the following conditions: 1) the developer submits a preliminary plat and final plat for this area to replat the street in a new location and 2) addresses the issue of the existing sanitary sewer. This vacation contains an area of 50,270.40 square feet, more or less.

Sincerely,



Byron Blum
Engineering Services

cc: Mayor Wesely
Allan Abbott
Kent Morgan
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Dana Roper

W Madison Vac tdm wpd

